

Express Mail No. EV 462438075 US

## REMARKS

Upon entry of this Amendment, claims 39-58 and 60-64 are pending and under consideration. Claims 1-38 and 59 were canceled by this amendment. In cancelling this subject matter from this application, applicants are not conceding the propriety of any rejection made in the pending Office action and applicants expressly reserve the right to pursue the remaining subject matter through one or more divisional applications. All amendments made herein to the pending claims are being presented to address matters of form, as was done for the parent application, now U.S. Patent No. 6,660,885 B2, which issued on December 9, 2003. Specifically, formal amendments are made to

- (i) insert the word "and" after the penultimate variable definition in claims 39-45;
- (ii) remove the optional definition of  $R^{16}/R^{19}$  in claims 39-41 as redundant;
- (iii) remove the optional definition of  $R^{33}$  in claims 39 and 42 as redundant;
- (iv) amend the sentence structure of claim 46 for improved readability,
- (v) insert the word "or" after the penultimate compound listed in claim 46;
- (vi) amend the definition of  $Q^b$  in claims 39 and 40 to remove redundant language;
- (vii) amend the definition of B, Q and  $R^2$  in claims 39, 40 and 43 to adopt more formal nomenclature;
- (viii) replace the text description of  $Y^0$  with the corresponding structure in claim 39; and
- (ix) replace the nomenclature for  $Y^0$  in claims 39, 40, and 43 with the corresponding structures.

In addition to the amended claims, new claims 60-64 are hereby added to the pending claim set and are supported by the specification. Support for claim 60 can be found, for example, in the embodiment on page 214 and in all of the compounds identified at pages 214-237. Support for claim 61 can be found, for example, in claim 39 and in 98 of the compounds identified at pages 214-237. Support for claim 62 can be found, for example, in claim 39 and in 97 of the compounds identified at pages 214-

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237. Support for claims 63 and 64 can be found, for example, in claim 39 and in 76 of the compounds identified at pages 214-37.

*Rejections Based on 35 U.S.C. §112*

Reconsideration is respectfully requested of the rejection of claims 1-22 and 39-59 based on the second paragraph of 35 U.S.C. §112. The basis for the rejection appears to be that certain definitions found within claim 1 are indefinite and that claim 59 is indefinite as an improper "use" claim. Claims 1 and 59 were cancelled by this amendment, thereby removing the basis for this rejection.

*Rejection Based on 35 U.S.C. §101*

Reconsideration is also respectfully requested of the of the rejection of claim 59 under 35 U.S.C. §101 as an improper definition of a process. As stated above, claim 59 was cancelled by this amendment, thereby rendering this rejection moot.

*Rejections Based on 35 U.S.C. §103(a)*

Reconsideration is respectfully requested of the rejection of claims 1-22 and 39-58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,741,819 (Illig et al.). Claims 1-22 have been cancelled by this Amendment A and, as a result, the response will focus on claims 39-58.

Claim 39 is directed to a compound possessing a benzene core substituted by  $X^0$ ,  $R^1$ ,  $R^2$ ,  $Y^0$ , J, and B, wherein B and  $Y^0$  are attached to the core through linking groups. In contrast, Illig et al. disclose a series of compounds having a core which is di-substituted. In addition, one of these substituents includes a sulfonamide moiety immediately adjacent to the core whereas the compounds of claim 39 do not possess a sulfonamide in this position.

Despite these differences, the Office has not articulated any reason a person of ordinary skill would modify Illig et al.'s compounds to arrive at the invention defined by claim 39. Absent such a suggestion or motivation, the Office may not properly maintain a rejection of claim 39 pursuant to 35 U.S.C. 103(a).

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Claims 40-58 and new claims 60-64 all depend from claim 39 and thus incorporate all of the limitations of the base claim. Accordingly, these claims are also patentable over Illig et al.

In support of the rejection of claims 50-58, the Office has asserted that "it would have been *prima facie* obvious to the skilled artisan at the time the invention was made to obtain compounds within the generic structure of the reference, with the reasonable expectation of achieving a pharmaceutical composition for treating various diseases as claimed..." This assertion is traversed. As noted above, it would not have been obvious to modify the compounds disclosed by Illig et al. to form the compounds of the instant application. It necessarily follows, therefore, that it would not have been obvious to use the compounds of the instant application for the treatment of the various claimed coagulation-related diseases.

For the reasons set forth above, the Office has not established a *prima facie* case of obviousness. The compounds disclosed by Illig et al. are distinguishable from those defined by the pending claims and the Office has failed to identify any motivation or suggestion to modify compounds of the cited reference to form the compounds of the instant invention or use these modified compounds in the treatment of coagulation-related diseases. Accordingly, Applicants respectfully request withdrawal of the rejections based on 35 U.S.C. §103(a).

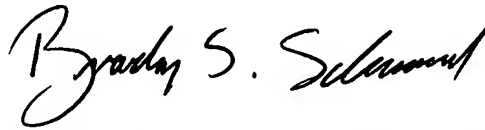
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### CONCLUSION

In light of the foregoing, applicants request withdrawal of all claim rejections and objections and solicit an allowance of the claims. The Examiner is invited to contact the undersigned attorney should any issue remain unresolved.

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, reading "Bradley S. Schammel". The signature is written in a cursive, flowing style.

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